

May 12 2010

*Ed Smith*  
CLERK OF THE SUPREME COURT  
STATE OF MONTANA

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 Countrywide Home Loans, Inc.

**FAX - FILED**

MAY 12 2010

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CLERK OF THE SUPREME COURT  
STATE OF MONTANA

## IN THE SUPREME COURT OF THE STATE OF MONTANA

GARY HOFF,

Plaintiff/Appellee,

-VS-

LAKE COUNTY ABSTRACT & TITLE )  
 COMPANY, a corporation; )  
 COUNTRYWIDE HOME LOANS, INC., )  
 a corporation; DOES I through X )  
 inclusive, individuals, corporations and )  
 partnerships, )

Defendants/Appellant.

Case No. \_\_\_\_\_

**NOTICE OF APPEAL**

NOTICE is given that Countrywide Home Loans, Inc., the Appellant above-named and who is a Defendant in that cause of action filed in the Twentieth Judicial District, in and for the County of Lake, as Cause No. DV-09-188, hereby

appeal to the Supreme Court of the State of Montana from the final judgment or orders dated April 13, 2010, as follows:

1. Order Denying Countrywide's Motion to Set Aside Default;
2. Order Denying Request for Oral Argument;
3. Order Granting Plaintiff's Motion to Strike Countrywide's Answer, Cross Claim and Demand for Jury Trial;
4. Order Denying Countrywide's Rule 60(b) Motion;
5. Order Granting Lake County Title's Motion to Dismiss Cross Claim and Amended Cross Claim of Countrywide; and
6. Order Granting Plaintiff's Motion and Application for Default Judgment against Countrywide.

THE APPELLANT FURTHER CERTIFIES:

I. That this appeal is subject to the mediation process required by M. R. App. P. 7. If subject to mediation, the money judgment being sought is not less than \$5,000.

II. That this appeal is not an appeal from an order certified as final under M. R. Civ. P. 54(b).

III. That this case does not involve a challenge to the constitutionality of any act of the Montana Legislature, and therefore, no notice is required to be given to the Montana Supreme Court and the Montana Attorney General.

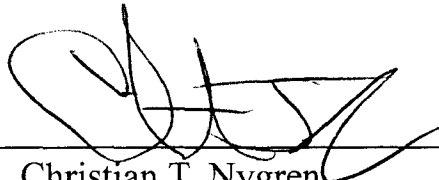
IV. That all available transcripts of the proceedings in this cause have not been ordered from the court reporter contemporaneously with the filing of this notice of appeal. If all available transcripts have not been ordered, that Appellants have complied with the provisions of M. R. App. P. 8(3) contemporaneously with the filing of this notice of appeal.

V. That included herewith is the filing fee prescribed by statute, or the affidavit to proceed without payment of the required filing fee prescribed in the Appendix of Forms as Form 3.

DATED this 12th day of May, 2010.

MILODRAGOVICH, DALE,  
STEINBRENNER & NYGREN, P.C.  
P.O. Box 4947  
Missoula, MT 59806-4947  
Attorneys for Countrywide Homes Loans,  
Inc.

By: \_\_\_\_\_

  
Christian T. Nygren

**CERTIFICATE OF SERVICE**

The undersigned certifies that the foregoing document was served upon the following individuals by the means designated below this 12<sup>th</sup> day of May, 2010:

☒ U.S. Mail  
☐ Fed Ex  
☐ Hand-Delivery  
☐ Facsimile  
☐ Email

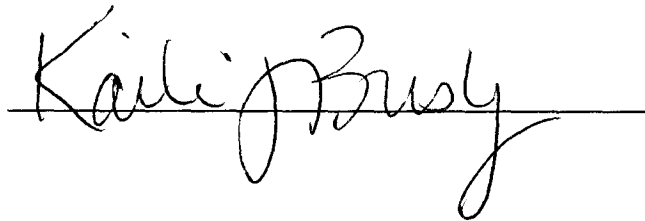
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Lake County  
106 - 4<sup>th</sup> Ave. E.  
Polson, MT 59860-2125



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